

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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|--|---|-------------------------------------|
| (1) ROBERT L. PHILLIPS, D.D.S., |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case. No. CIV-14-871-R |
| vs. |) | |
| |) | (Oklahoma County District |
| (1) HANOVER INSURANCE |) | Court Case No. CJ-2014-1503) |
| COMPANY, |) | |
| |) | |
| Defendant. |) | |
| |) | |

**DEFENDANT HANOVER INSURANCE COMPANY'S
NOTICE OF REMOVAL**

COMES NOW Defendant, Hanover Insurance Company, pursuant to 28 U.S.C. §§ 1441 and 1446, and files this notice of removal of the above-titled action from the District Court of Oklahoma County, Oklahoma, to the United States District Court for the Western District of Oklahoma.

STATEMENT OF GROUNDS FOR REMOVAL

1. Plaintiff Robert L. Phillips, D.D.S., ("Phillips") is an individual who resides in Oklahoma County, Oklahoma.
2. Defendant Hanover Insurance Company ("Hanover") is a corporation organized under the laws of New Hampshire, with its principal place of business in Worcester, Massachusetts.
3. On August 7, 2014, Plaintiff Phillips filed an Amended Petition against Defendant Hanover in Oklahoma County District Court, asserting breach of contract, bad faith, and punitive damages claims seeking relief "in an amount in excess of the amount

required for diversity jurisdiction pursuant to § 1332 of Title 28 of the United States Code.” (Exhibit 5, Amended Petition, ¶¶ 11, 12, 14, 17, 19.)

4. On August 11, 2014, Plaintiff Phillips’ Amended Petition was served upon Defendant Hanover.

5. This Court has jurisdiction over this action because of the complete diversity of citizenship of the parties hereto, and the sufficiency of the amount in controversy, pursuant to 28 U.S.C. § 1332 (a)(1).

6. In accordance with 28 U.S.C. § 1446(a), and LCvR 81.2, copies of all documents served upon Defendant Hanover in this case to date, along with a copy of the state district court Docket Sheet, are submitted with this Notice of Removal. (Exhibit 1, Petition; Exhibit 2, Summons; Exhibit 3, Motion to Dismiss, Exhibit 4, Summons Proof of Service; Exhibit 5, Amended Petition; and Exhibit 6, Docket Sheet.)

7. This Notice of Removal is filed within thirty (30) days of service of the Amended Petition upon Defendant Hanover, and is therefore timely pursuant to 28 U.S.C. § 1446(b).

WHEREFORE, PREMISES CONSIDERED, Defendant Hanover Insurance Company prays that this Notice of Removal be accepted by the Court, and that the lawsuit proceed as an action properly removed to this Court’s jurisdiction.

Respectfully submitted,

s/ Stephen Layman
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**ATTORNEY(S) FOR DEFENDANT
CAPITOL INDEMNITY
CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of August, 2014, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Additionally, pursuant to 28 U.S.C. § 1446(d), true and correct copies of the Notice of Removal were mailed, postage prepaid, to the following:

Tim Rhodes
Oklahoma County Court Clerk
320 South Robert S. Kerr Avenue, Room 409
Oklahoma City, Oklahoma 73102

J. Kelly Work, O.B.A. No. 9888
105 North Hudson Avenue, Suite 304
Oklahoma City, Oklahoma 73102

s/ Stephen Layman _____
Stephen G. Layman